

Washington DC- After a week of procedural gamesmanship and special deals - which have tainted the upcoming health care vote - Congressman Dan Lungren (R-CA) released the following statement:

"I didn't think it was possible, but the road to passing health care reform is becoming "curiouser and curiouser." In the words of Yuval Levin, the Congressional Leadership's plan is now to **"amend a law that doesn't exist yet by passing a bill without voting on it**

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"While the House has been quick to condemn the Senate for its sweetheart deals like the "Cornhusker Kickback," "Louisiana Purchase," and "Florida Gator-Aid," it has been reluctant to heed its own advice. The reconciliation language - which would amend the Senate bill to make it more palatable for certain Members of the House - appears to be piling on even more backroom deals.

"It appears as though votes are being solicited in the House reconciliation bill by increasing the water supply to agricultural districts, allotting time on the House floor to debate and vote on pet bills, and appointing family members to the federal bench. Americans rightly expect that Congress not resort to this kind of wheeling and dealing to pass a bill that takes over one-sixth of the U.S. economy. A bill that requires these sweetheart deals for passage is clearly bad legislation and the Congress should not pass a bad bill just so it can say it passed something.

"Then there is the self-executing "deemed as passed" rule that could trigger "passage" of the Senate bill, sending it to the President for his signature without the House ever voting on the Senate bill. The problem is that this is simply unconstitutional. The Constitution states, and the Supreme Court maintains, that in order for legislation to be valid it must be passed in both the House and the Senate and be presented to the President for approval or a veto. The United States Supreme Court struck down legislation in 1998 because it failed to meet this

bicameralism and presentment to the President requirement.

"The Court has stated that "the Constitution explicitly requires that each of those three steps be taken before a bill may become a law...If one paragraph of that text had been omitted at any one of those three stages, Public Law 105-33 would not have been validly enacted." However, since the text of the Senate bill will not be passed in the House - but only "deemed" passed with the inclusion of the reconciliation language - the President cannot sign the bill without violating the provisions set forth in the Constitution.

"These procedural contortions are not only flagrantly disrespectful of the rule of law and the will of the people, but they are also unnecessary. When targeted health care reform legislation that would repeal the antitrust immunity for the health insurance industry came before the House, we passed that legislation 406-19. If the House and Senate Leadership would end its insistence on a purely partisan health care bill, it is likely that the Congress could in fact reach agreement on a bill built on the principles of affordable, quality, personalized care.

"I will continue to update you on developments in Washington and will fight to ensure that your rights are not infringed by these procedural machinations being discussed."

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Congressman Dan Lungren serves as Ranking Member on the House Administration Committee in addition to serving on the Judiciary and Homeland Security Committees

